

Order

Michigan Supreme Court
Lansing, Michigan

October 21, 2020

Bridget M. McCormack,
Chief Justice

161490

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 161490
COA: 346665
Jackson CC: 17-005385-FH

BRYAN SCOTT REYNOLDS,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the April 16, 2020 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals. As noted by dissenting Judge Gleicher, the lawfulness of the stop was uncontested at trial and not subject to dispute. The defendant admitted that he violated two traffic laws. The officers therefore had reasonable cause to stop the defendant and the stop was lawful. On this record, the defendant cannot establish a reasonable probability that, but for the trial court's failure to instruct the jury on the third element of the resisting and obstructing charge, the result of his trial would have been different. *People v Randolph*, 502 Mich 1, 9 (2018). Accordingly, the Court of Appeals erred in concluding that the defendant was entitled to a new trial.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 21, 2020

Clerk